

Puget Sound Leadership Council

Meeting Summary

Senate Hearing Room #3

304 15th Avenue SW

Olympia, Washington

October 8, 2009

Members Present:

- Bill Ruckelshaus
- Martha Kongsgaard
- Dan O'Neal
- Steve Sakuma
- Bill Wilkerson

*It is intended that this summary be used along with notebook materials provided for the meeting.
A full recording of this meeting is retained by Puget Sound Partnership as the formal record.*

Action Items:

- Decision on Threat Reduction Targets
- Addition of October 30, 2009, Special Meeting Conference Call

Meeting Summary:

- Agency Update
- Vested Rights in Washington Briefing by Association of Washington Businesses (AWB)
- 2010 Legislative Session
- Continued Work on the State of the Sound Report and Performance Management System

10:34 a.m. CALL TO ORDER – Bill Ruckelshaus, Chair

Chair Ruckelshaus called the meeting to order and reviewed the agenda for the day.

September 2-3, 2009, Meeting Summary

Bill Wilkerson **MOVED** approval of the September 2-3, 2009, Leadership Council Meeting Summary. Martha Kongsgaard **SECONDED**. Council **APPROVED** the September 2009 Meeting Summary.

AGENCY UPDATE

David Dicks provided an update on work done by the Puget Sound Partnership since the last meeting. (See meeting materials for details.)

Highlights include:

- Nisqually estuary work has been completed
- An October 22, 2009, event with EPA Administrator Lisa Jackson, Governor Gregoire, and Leadership Council members is being planned (*This event was*

later canceled due to changes in the Administrators' schedule. This will be rescheduled for a later date.)

- Waiting to hear the outcome of the agency's grant proposal to NOAA requesting \$10 million to help implement the Action Agenda – David thanked Joe Ryan's team for working on proposal
- Jim Cahill has been working hard on the modification of the State Grants and Loan process, which is a key feature of the "partners" process
- David gave a talk last week to the Ports, they are excited to become a partner and implement their "green ports" initiative
- The Puget Sound Starts Here campaign was launched – this is just a start on what people can do, it will not solve the problem but is a start – this campaign is a coordinated effort with STORM

VESTED RIGHTS IN WASHINGTON – Chris McCabe and Don Marcy, Association of Washington Business (See meeting materials for details.)

Chris McCabe provided background on the vested rights issue noting that AWB has tried to work with Senator Kline over the last 5 years to resolve this issue but they have not been able to find any common ground. The AWB opposes Senator Kline's recommendation and requests the Leadership Council not include Senator Kline's proposal in the Partnership's legislative package.

Don Marcy then explained vesting rights from his perspective noting that this is not a loophole but a due process right.

He noted that:

- Developers can vest rights at the time the application is actually filed – not before,
- Washington State has some of the strongest restrictions to building including SMA, GMA, CAO, HPA, etc. along with local permits – it sometimes takes two or three years to get through the permit process and costs the landowner thousands of dollars to get to the point of filing a building permit, and
- Local counties and cities can stop property owners from vesting through moratoriums.

He believes that:

- It is important to keep this doctrine in place to keep costs down for business, single family home, and apartment complex developers and limit risk to the lending community, and
- A bill such as Senator Kline's would increase litigation.

Leadership Council members discussed differences in the AWB and the Senator's presentations. Chair Ruckelshaus thanked Chris and Don for their views on this issue. The Council appreciated the discussion but are going to need to look into this issue more before deciding which path to take. We are going to have more people in Puget Sound and will need to figure out how to accommodate those people while still protecting the ecosystem. Vesting isn't the only issue. The Partnership's job is to restore

Puget Sound but still have an economically healthy Sound. The Leadership Council needs to understand land use more and find ways to make adjustments to make things work better. The Council would hope that both sides will be willing to keep an open-mind about ways to resolve this issue and make adjustments if needed.

PUBLIC COMMENT PERIOD

Fred Felleman, WAVE Consulting, discussed his concern about proposed NOAA whale watching regulation changes. The proposed regulation is for a “no go” for all vessels in the area other than the tribes. The NOAA proposal is out for comment now and closes in two weeks. He requested that the Leadership Council support a “go slow” approach not a “no go” and support funding enforcement through the Northwest Straits Commission.

David Dicks committed to sitting down with Fred to work on this issue.

David introduced the Partnerships’ new Communications Manager, Frank Mendizabal.

2010 LEGISLATIVE SESSION – David Dicks and Michael Grayum (See meeting materials for details.)

Michael laid out the five general concepts and the timeline for getting the agency legislative package to the governor.

1. Protect nearshore habitat by requesting a moratorium on new shoreline hardening and overwater structures in the vicinity of feeder bluffs and spawning areas.
2. Prevent the largest source of copper—brake pads—from continuing to contaminate streams, rivers and coastal waters and negatively affect the food chains of entire ecosystems.
3. Protect intact upland habitat and open space by encouraging greater density in urban areas.
4. Protect marine and estuary habitat by incorporating recommendations to coordinate and strengthen the multiple marine managed areas maintained by state and local governments into the Puget Sound Action Agenda.
5. Effectively manage and improve water quality health by decreasing the loadings of pollutants before they enter Puget Sound’s surface and groundwater by requiring low impact stormwater management techniques on new State development projects.

Michael explained how for each one of these proposals staff have encouraged dialogue with the various experts and agencies and plan to submit them as joint legislative proposals with other agencies.

These five concepts will be presented to the ECB at its October 14 meeting on Bainbridge Island.

Chair Ruckelshaus noted the need to have the Leadership Council approve the final list of proposals going to the governor.

David proposed getting Council feedback at this meeting, taking to the ECB meeting for its input, and then to the Council at its November meeting for final endorsement.

The Leadership Council stressed the need for Science Panel input also. Staff will present to the Science Panel at its October 28 meeting.

The Council discussed the need to put in place a legislative process that will not make the staff's job harder but will let the Leadership Council feel comfortable with the legislation going forward. They also discussed the need to look at the process beyond a given year. The Council needs to look to 2020, make a game plan, and decide whether to go out in pieces or larger reform packages on different issues.

Michael noted possible request legislation coming out of Ecology on a way to fund oil spills. He will keep the Council updated on this request.

STATE OF THE SOUND REPORT AND PERFORMANCE MANAGEMENT – Jim Cahill, David St. John, and Scott Redman (See notebook materials for details.)

Performance Management

Jim Cahill updated the Council on the timeline and what the Performance Management Framework entails.

Chair Ruckelshaus noted the need to use a common language in communicating what we are doing. He suggested having a glossary to explain what each of the words mean. Jim noted that a glossary is being developed and will be included in the State of the Sound Report.

Jim reported that staff will provide recommendations for performance management pilot areas and categories for Leadership Council approval at its December or January meeting.

Martha Kongsgaard noted the need for ultimate targets to reach by 2020 so that we can start working toward that goal. We can't keep waiting – we need to get the numbers.

Threats

David St. John discussed the work being done on threats. He pointed out that the plan is to set the targets for 2020 during the first quarter of 2010. Staff will use the State of the Sound Report and technical memos to prime that discussion – it will be complicated.

David St. John explained how the list of threats was developed and plans for moving forward. He then reviewed the threats list asking for Leadership Council approval.

The Council agreed that this is a great start but will need to look to see if there are threats that are missing. Staff reported that there is a longer list of potential threats and this list was to provide examples of the work that has been done. The list of threats will change in focus as we move forward and learn more.

The Council provided their **SUPPORT** to move forward with this list.

Indicators

Scott Redman provided a presentation on the approved indicators and proposed graphics related to the goals that will be used in the State of the Sound Report.

The Council asked why air pollution wasn't used and how this report will relate to the previous State of the Sound

Scott noted the need to communicate in the Report what indicators were used and why. He reported that there is a lot of crossover from the last State of the Sound Report and the main message is that the ecosystem is not yet responding to the work being done through the Action Agenda – there is a lag in the response time.

Approval to add an October 30, 2009 Meeting

To meet the November 1 statutory deadline for submittal of the State of the Sound Report, staff is requesting the Council add an October 30, 2009, Conference Call meeting.

Dan O'Neal **MOVED** approval to add an October 30 Conference Call meeting to approve the State of the Sound Report prior to November 1. Martha Kongsgaard **SECONDED**. Council **APPROVED** addition of an October 30, 2009, Conference Call meeting.

3:40 p.m. ADJOURN

Leadership Council Approval



Bill Ruckelshaus, Chair

Date

11/2/09

Next Meeting: November 2, 2009
Puget Sound Regional Council Board Room
Seattle, Washington